

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4121 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

H.N.SHAH

Versus

THE STATE OF GUJARAT

Appearance:

None present for Petitioner
MR SN SHELAT, ADDL. ADV. GENERAL, with
MR SR DIVETIA, for Respondent No. 1
MR MK VAKHARIA for Respondent No. 2
None present for Respondent No. 3
MR JAYANT PATEL for Respondent No. 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/09/97

ORAL JUDGMENT

#. The matter was called out for hearing in the first round, then in the second round and lastly in the third round, but none put appearance on behalf of petitioner.

Perused the Special Civil Application and written arguments filed by learned counsel for petitioner and heard learned counsel for respondents No.1, 2 and 4.

#. So far as respondent No.4 is concerned, in view of the letter of the petitioner dated 28th September 1991 addressed to the Principal Secretary to the Hon'ble Chief Minister, Sachivalaya, Gandhinagar, nothing not survives in this petition against him. The petitioner has given out that he has no objection in case respondent No.4 is given deemed date of seniority over him as Special Secretary or the Chief Engineer. This letter of petitioner is taken on record with consent of parties. So far as respondents No.2 and 3 are concerned, admittedly they have been given promotion on the post of Chief Engineer on 11th March 1981 and 16th March 1981. The petitioner has been given promotion on the post of Chief Engineer on 26th March 1982. The petitioner has not challenged the promotions of respondent No.2 and 3 earlier to filing of this Special Civil Application. This Special Civil Application has been filed by the petitioner before this Court on 18th August 1985. So these promotions have been challenged by petitioner after more than four years. Apart from this, challenge has been made on the ground of malafides. The persons against whom malafide has been alleged have not been impleaded as party to this Special Civil Application. There is yet another aspect in the matter. During the pendency of this Special Civil Application, the seniority list of the Chief Engineers has been published vide Circular dated 17th March 1994. In this list, the respondents No.2 and 3 have been placed senior to the petitioner. This list has also not been challenged by the petitioner.

#. Taking into consideration the totality of the facts of the case, this Special Civil Application has no merits and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

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